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06/06/01

11044 U.S. PTO  
06/06/01

Case Docket No.: INNO-15 CON 3

Assistant Commissioner For Patents  
Washington, D.C. 20231

11011 U.S. PTO  
09/875588  
06/06/01

Transmitted herewith for filing is the patent application of:

Inventor: Rickey D. Hart et al.  
For: SURGICAL FASTENING SYSTEM AND METHOD FOR THE SAME

Enclosed are:

- ☒ 34 sheets of drawings.
- ☐ An assignment of the invention to: \_\_\_\_\_
- ☐ A verified statement to establish small entity status.
- ☒ REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION.

The filing fee has been calculated as shown below:

Small Entity					Large Entity	
For:	No. Filed	No. Extra	Rate	Fee	Rate	Fee
Basic Fee				\$355.00		\$790.00
Total Claims	38 - 20	18	x \$ 9.00	0.00	x \$18.00	324.00
Ind. Claims	14 - 3	11	x \$40.00	0.00	x \$ 80.00	880.00
Mult. Claims			+ \$130.00		+ \$260.00	
Total					\$1994.00	

☐ Please charge my Deposit Account No. 16-0221 to cover the filing fee and assignment recording fee. A duplicate copy of this sheet is enclosed.

☐ A check in the amount of \$\_\_\_\_\_ to cover the filing fee (and assignment recording fee) is enclosed.

☐ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.

- ☐ Any additional filing fees required under 37 CFR 1.16.
- ☐ Any patent application processing fees under 37 CFR 1.17.

☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to **Deposit Account No. 16-0221**. A duplicate copy of this sheet is enclosed.

- ☐ Any patent application processing fees under 37 CFR 1.17.
- ☐ The issue fee set in 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311(b).
- ☐ Any filing fees under 37 CFR 1.16 for presentation of extra claims.

Respectfully submitted,

*James A. Sheridan 6/6/01*  
 James A. Sheridan  
 Pandiscio & Pandiscio  
 470 Totten Pond Road  
 Waltham, Massachusetts 02154  
 Tel. (781) 290-0060

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Rickey D. Hart et al.  
Serial No.: 09/340,584  
Filing Date: 06/28/99  
Title: SURGICAL FASTENING SYSTEM AND METHOD  
FOR USING THE SAME  
Group Art Unit: 3731  
Examiner: W. Lewis  
Attorney's Docket No.: INNO-15 CON 2

BOX PATENT APPLICATION  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

FILING OF PATENT APPLICATION UNDER 37 CFR 1.10

The attached Rule 1.53(B) continuation application is being filed under the provisions of 37 CFR 1.10.

Respectfully submitted,

*James A. Sheridan 6/6/01*

James A. Sheridan  
Registration No. 43,114  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02154  
Tel. (781) 290-0060

"Express Mail Mailing Label Number

ET169683474US

Date of Deposit June 6, 2001

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to Assistant Commissioner for Patents, Washington, D.C. 20231.

*James A. Sheridan 6/6/01*  
James A. Sheridan

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Rickey D. Hart et al.  
Serial No.: 09/340,584  
Filing Date: 06/28/99  
Title: SURGICAL FASTENING SYSTEM AND METHOD FOR  
USING THE SAME  
Group Art Unit: 3731  
Examiner: W. Lewis  
Attorney's Docket No.: INNO-15 CON 2

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

REQUEST FOR FILING RULE 1.53(B) CONTINUATION APPLICATION

This is a request for filing a continuation application, in accordance with Rule 1.53(B), of pending prior application Serial No. 09/340,584, filed 06/28/99 by Rickey D. Hart and John T. Rice for SURGICAL FASTENING SYSTEM AND METHOD FOR USING SAME, which is in turn a continuation of prior application Serial No. 09/174,814, filed 10/19/98 by Rickey D. Hart and John T. Rice for SURGICAL FASTENING SYSTEM AND METHOD FOR USING THE SAME, which is in turn a continuation of prior application Serial No. 08/560,111, filed 11/17/95 by Rickey D. Hart and John T. Rice for SURGICAL FASTENING SYSTEM AND METHOD FOR USING THE SAME.

Submitted with this request are the following:

1. A true copy of said prior application Serial No. 08/560,111 (including specification, claims, drawings, a signed Declaration and Power of Attorney, and a VERIFIED STATEMENT CLAIMING SMALL ENTITY BUSINESS, and an ASSIGNMENT AND REQUEST FOR RECORDATION of same) as originally filed;

2. An AFFIDAVIT by the undersigned attorney of record verifying that the enclosed copy of said prior application Serial No. 08/560,111 is a complete and true copy; and

INNO-15 CON 3

09/28/99 09:55:28

3. A PRELIMINARY AMENDMENT which amends the application to show that it is a continuation of parent application Serial No. 09/340,584; and

4. A mailing certificate indicating that this submittal is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on June 6, 2001 as provided for under 37 CFR 1.10.

The Power of Attorney in the prior application is to Pandiscio & Pandiscio, a firm composed of Nicholas A. Pandiscio, Registration No. 17293, Mark J. Pandiscio, Registration No. 30883, and Scott R. Foster, Registration No. 20570, or any of them, all of 470 Totten Pond Road, Waltham, MA 02154-1914 (Telephone No. 781-290-0060).

The inventors named in this continuation application are the same inventors named in the prior application Serial No. 09/340,584.

The Commissioner is also authorized to prepare a certified copy of said prior copending application if the same is deemed to be necessary and to charge the cost of same to Deposit Account No. 16-0221.

109090" 8888 2860

A duplicate copy of this letter is enclosed for filing in said prior copending application.

All communications in this matter should be addressed to:

Mark J. Pandiscio  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Massachusetts 02154.

Thank you.

"EXPRESS MAIL" MAILING LABEL NUMBER ET169683474US

DATE OF DEPOSIT JUNE 6, 2001

I HEREBY CERTIFY THAT THIS PAPER OR FEE IS BEING DEPOSITED WITH THE UNITED STATES POSTAL SERVICE "EXPRESS MAIL POST OFFICE TO ADDRESSEE" SERVICE UNDER 37 CFR 1.10 ON THE DATE INDICATED ABOVE AND IS ADDRESSED TO THE ASSISTANT COMMISSIONER FOR PATENTS, WASHINGTON, D.C. 20231.

JAMES A. SHERIDAN  
(PERSON MAILING)

James A. Sheridan 6/6/01  
PS/INNO15C3.REQ (SIGNATURE)

Respectfully submitted,

*James A. Sheridan 6/6/01*

James A. Sheridan  
Registration No. 43,114  
Pandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, MA 02451-1914  
Tel (781) 290-0060  
Fax (781) 290-4840

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE REQUESTED FILING OF RULE 1.53(B)  
CONTINUATION PATENT APPLICATION BASED ON  
THE FOLLOWING PENDING PRIOR PATENT APPLICATION:

In re Application of: Rickey D. Hart et al.  
Serial No.: 09/340,584  
Filing Date: 06/28/99  
Title: SURGICAL FASTENING SYSTEM AND METHOD  
FOR USING SAME  
Group Art Unit: 3731  
Examiner: W. Lewis  
Attorney's Docket No.: INNO-15 CON 2

Assistant Commissioner for Patents  
Washington, D.C. 20231

Sir:

AFFIDAVIT VERIFYING APPLICATION

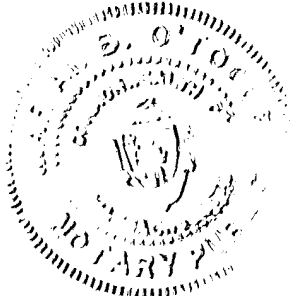
Commonwealth of Massachusetts  
County of Middlesex

I, James A. Sheridan, being duly registered to practice before the U.S. Patent and Trademark Office, and being duly sworn, depose and state that: I am attorney of record in the above-identified pending prior application Serial No. 09/340,584 filed 06/28/99, which is in turn a continuation of prior application Serial No. 09/174,814, filed 10/19/98 by Rickey D. Hart and John T. Rice for SURGICAL FASTENING SYSTEM AND METHOD FOR USING THE SAME, which is in turn a continuation of prior application Serial No. 08/560,111, filed 11/17/95 by Rickey D. Hart and John T. Rice for SURGICAL FASTENING SYSTEM AND METHOD FOR USING THE SAME, and that the enclosed application is a true and complete copy of the above-identified prior application Serial No. 08/560,111 as filed, and that no amendments referred to in the oath or declaration filed to complete the prior patent application Serial No. 08/560,111 introduced new matter therein.

*James A. Sheridan 6/6/01*  
James A. Sheridan  
Registration No. 43,4114

Sworn to before me this 6<sup>th</sup> day of June, 2001.

*Marian B. O'Toole*  
Notary Public  
My commission expires: 11/17/06



THE COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231

Sir:

Transmitted herewith for filing is the patent application of

Inventor: Rickey D. Hart et al.For: SURGICAL FASTENING SYSTEM AND METHOD FOR USING THE SAME

Enclosed are

☒ 34 sheets of drawing.☒ An assignment of the invention to Innovasive Devices, Inc.☐ A certified copy of a \_\_\_\_\_ application.☐ An associate power of attorney.☒ A verified statement to establish small entity status under 37 CFR 1.2 and 37 CFR 1.27.☐

The filing fee has been calculated as shown below:

	(Col. 1)	(Col. 2)
FOR:	NO. FILED	NO. EXTRA
BASIC FEE		
TOTAL CLAIMS	38 - 20 =	18
INDEP CLAIMS	14 - 3 =	11
<input type="checkbox"/> MULTIPLE DEPENDENT CLAIM PRESENTED		

\*If the difference in Col. 1 is less than zero, enter "0" in Col. 1

SMALL ENTITY			OTHER THAN A SMALL ENTITY	
RATE	FEE	OR	RATE	FEE
	\$ 375.	OR		\$ 750.
x 11 =	\$198.	OR	x 22 =	\$
x 39 =	\$429.	OR	x 78 =	\$
\$125 =	\$ 0	OR	\$250 =	\$
TOTAL	\$1002	OR TOTAL		\$

☐ Please charge my Deposit Account No. \_\_\_\_\_ the amount of \$ \_\_\_\_\_. A duplicate copy of this sheet is enclosed.☒ A check in the amount of \$ 1042.00 to cover the filing fee is enclosed, including the fee for recording the enclosed assignment.☒ The Commissioner is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.☒ Any additional issue fee required under 37 CFR 1.16.☒ Any patent application processing fees under 37 CFR 1.17.☒ The Commissioner is hereby authorized to charge payment of the following fees during the pendency of this application or credit any overpayment to Deposit Account No. 16-0221. A duplicate copy of this sheet is enclosed.☒ Any patent application processing fees under 37 CFR 1.17.☐ The issue fee is 37 CFR 1.18 at or before mailing of the Notice of Allowance, pursuant to 37 CFR 1.311 (b).☒ Any filing fee under 37 CFR 1.16 for presentation of any claims.

Respectfully submitted,

Mark J. Pandiscio 11/17/95  
Mark J. PandiscioPandiscio & Pandiscio  
470 Totten Pond Road  
Waltham, Mass. 02154  
(617) 290-0060  
Fax (617) 290-4840